CITY OF REDMOND ORDINANCE NO. 2506

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, ADOPTING THE HEARING EXAMINER'S OCTOBER 29, 2009, RECOMMENDATION TO APPROVE WITH CONDITIONS THE DIGIPEN CONDITIONAL USE PERMIT (FILE L090372), AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Dan Butler, JPC Architects, on behalf of DigiPen, herein referred to as applicant, submitted a conditional use permit application to operate a private college within the Business Park zoning district; and

WHEREAS, a conditional use permit is a Type IV permit decision; and

WHEREAS, the Redmond Community Development Guide authorizes the Hearing Examiner to conduct an open record hearing for the conditional use permit and make a recommendation with findings of fact, conclusions of law, and conditions of approval for the conditional use permit to the City Council for consideration; and

WHEREAS, on October 21, 2009, the Hearing Examiner conducted an open record hearing to receive and review the application record and to hear verbal testimony relative to the DigiPen Conditional Use Permit proposal (File L090372); and

WHEREAS, on October 29, 2009, the Hearing Examiner recommended approval of the DigiPen Conditional Use Permit proposal (File L090372) subject to conditions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings, Conclusions, and Conditions of Approval. After carefully reviewing the record and considering the evidence and arguments in the record and in the Hearing Examiner's recommendation, the City Council hereby adopts the findings, analysis, and conclusions in the Hearing Examiner's recommendation for the DigiPen Conditional Use Permit proposal dated October 29, 2009.

Section 2. Approval. The City Council hereby approves the DigiPen Conditional Use Permit proposal, subject to the conditions of approval identified in the Hearing Examiner's recommendation dated October 29, 2009.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the Redmond City Council this 1st day of December, 2009.

CITY OF REDMOND

JOHN MARCHIONE, MAYOR

ATTEST:

MICHELLE M. MCGEHEE, CMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

By:

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

SIGNED BY THE MAYOR:

PUBLISHED:

EFFECTIVE DATE:

ORDINANCE NO. 2506

November 23, 2009

December 1, 2009

December 1, 2009

December 7, 2009

December 12, 2009

ADOPTED 7-0: Allen, Carson, Cole, Margeson, McCormick, Myers and Vache